

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: October 21, 2003

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Christopher Romeo, Robert Jefferies, Allan Loiselle,
Dini Healy-Coffin, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Audience Members

Open Forum

Mary Caless, 70 Beaver Brook Road, was present seeking assistance from the Board to determine who installed a chain link fence on town-owned land along Beaver Brook Road. Ledoux and the Highway Superintendent to investigate.

Sam Frank, Chairman of the Zoning Board of Appeals, apologized for missing the Selectmen's meeting last week regarding the status of the Rosegate Development Chapter 40B project. Frank was present to ask the Board about developing "performance standards" for 40B projects. Frank also suggested the creation of a small *committee* from the town boards to *develop such* standards.

Town of Westford FAQ's – Reid Barn Move

Romeo responded to a comment that appeared in the *Backtalk* section of the *Lowell Sun* newspaper relative to the Reid Barn move. Romeo stated that the caller commented that the move would cost the taxpayers money. Romeo stated that there was no expenditure of additional tax money and that the Town saved \$1,500. Romeo outlined the meetings he had with Ledoux, Peter Fletcher of the Planning Board, Ken Tebbetts of the Historic Commission and Mike Spanos of Floral Arts. Romeo reported that the group came to a consensus regarding the move and the expenditure of funds. The Historic Commission offered \$3,000 and Spanos offered \$4,400 to facilitate the move. There was a shortfall of \$1,500 representing the storage fees for the steel under the

barn. Romeo stated that Mr. Geddes, owner of the steel, was persuaded to forego the additional \$1,500. The barn is slated to be moved before November 15, 2003. Romeo invited residents to call the Board with any questions or comments.

Continuation of Public Hearing – Expansion of Class II License – Westford Auto Sales, 341 Littleton Road

Ledoux reported that Attorney Howard Hall has requested a continuation of the public hearing to October 28, 2003. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to continue the public hearing to October 28, 2003 at 7:35 p.m.**

Consideration of New Polling Locations, Board of Registrars

Kaari Mai Tari, Town Clerk and Phil McGee, Chairman of the Board of Registrars, were present seeking to change the polling locations for Precincts 2, 5 and 6. McGee proposed the following changes as outlined in a memorandum dated October 17, 2003:

Precinct 2 from the Day School to the **Blanchard School**

Precinct 5 from St. Catherine's Parish Hall to the **Stony Brook School**

Precinct 6 from the Abbot School to the **Miller School** located on Mitchell Way in Greystone.

It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the new polling sites for Precinct 2, Precinct 5 and Precinct 6.

Tari stated that the Town Clerk's office will be sending out notices with the census mailing and postcard mailings to the taxpayers affected by these changes. Tari stated that residents can also call the Town Clerk's office or check the town web site. Notices will be posted at the J.V. Fletcher Library and the post office.

Discussion of Winter Maintenance of Rome Drive

Richard Barrett, Highway Superintendent, and Peter Fletcher, Chairman of the Planning Board, were present to discuss residents' concerns regarding snow plowing of Rome Drive. Barrett reported that he is still working on the issues and requested additional time to work with Ledoux and town staff to come to a resolution. Fletcher reported that the Planning Board voted to take the bond money (approximately \$160,000) so that the Town can complete the roadway. Barrett indicated that it is difficult to determine what needs to be done to the road without an interim as-built plan. Barrett approximated that 2,000 feet of roadway needs to be completed. Barrett reported that some curbing, drainage structures and finish paving are missing. Barrett stated that he is looking to get the road ready for winter maintenance rather than getting the road up to town standards. Healy-Coffin asked if the Town is holding sufficient money or whether the bonds needed to be increased. Barrett stated that subdivisions are getting more complex with difficult parcels of land and development issues, i.e., wetlands protection, slopes, etc. Fletcher felt that the Town was holding sufficient bond money. Barrett indicated to the Board that he would come back with a snow removal plan by the first week of November. Romeo suggested to the residents that they designate a point of contact person to speak to Barrett. John Marderosian, 15 Rome Drive, offered to be the point of contact person for the neighborhood.

FY05 Budget Report

Ledoux stated that FY05 will be a challenging period for the Town. Ledoux reported that budget worksheets have gone out to the town departments. A budget message sent to the departments indicated that if everything is level-funded and there are no capital expenditures the Town will still face a \$4.5M deficit. Ledoux preliminarily forecasted a 10% cut in Local Aid. Ledoux told all the departments to prepare for a 10% cut and asked those departments to provide their statutory requirements as compared to non-statutory requirements. Ledoux also asked the departments to look into consolidation, collaboration, alternative funding sources, etc. Ledoux stated that he is investigating bidding out the electric rate for the best kilowatt rate. Ledoux outlined a spreadsheet with 5 different scenarios with a 10% cut in Local Aid, various other cuts, and with and without overrides. Suzanne Marchand, Finance Director, stated that Westford will have \$3.6M in reserves after the upcoming Special Town Meeting. Marchand stated that because Westford has been conservative, it is in better shape than other communities. Liz Adams, Chairman of the Finance Committee, stated that the budget is going to be a difficult process. Adams reported that there is a pending state-wide ballot question to cut the automobile excise tax as well as a possible cut to SBAB. Healy-Coffin noted that Governor Romney has been steadily increasing fees and that Westford will need to do an override or face severe cuts. Adams stated that even with an override cuts will be made in departments.

Selectmen to Take Positions on Special Town Meeting Warrant Articles

The Board took positions on the following Warrant Articles:

ARTICLE 1: Reduction of CPA Surcharge from 3% to 1% *Citizen Petition*
Petitioners were not present. Ingrid Nilsson, Chairman of the Community Preservation Committee, reported that the Committee voted to not support Article 1. It was the consensus of the Committee to stay at the 3% surcharge. Nilsson reported that she spoke to Senator Panagiotakos and Rep. Hall who both felt secure that the State matching funds would continue to be available into the future. Romeo reported that the Affordable Housing Committee voted to not support Article 1. Silva reported that the Stepinski Land Acquisition Committee voted to not support Article 1.

It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to not support the petition article (Article 1) to reduce the CPA surcharge from 3% to 1%.

ARTICLE 2: Renaming of the Stony Brook School *Citizen Petition*
The Board to take a position after receiving the School Committee's recommendation.

ARTICLE 3: Commercial and Industrial Growth Control Regulation *Citizen Petition*
Peter Fletcher, Chairman of the Planning Board, reported that the Planning Board continued the public hearing on Article 3 until November 3rd for a full board. Peter Severance and Tom Spuhler, petitioners, were present. Severance outlined the changes they have made to the proposed bylaw. Healy-Coffin was concerned with the financial impacts to the Town and urged the petitioners to not rush the bylaw to town meeting. Healy-Coffin was concerned that the bylaw would decrease revenue to the town. Jefferies asked the petitioners what this bylaw would accomplish. Jack Mitchell, Boutwell Hill Road, stated that he is a business owner with less than 25 employees and that he would not be able to build a new facility in Westford under this bylaw as he would need a 100,000 sq. ft., single story building. Mitchell felt that the bylaw needed

more work. Peter Ewing, petitioner, stated that residents are concerned with traffic and that Route 110 is at capacity. The Board to take a position after receiving the Planning Board's recommendation.

ARTICLE 4: Highway Department Chapter 90 Funds

It was moved by Jefferies, seconded by Silva, and VOTED UNANIMOUSLY, to support Article 4.

ARTICLE 5: Fiscal Year 2004 Supplemental Appropriations: Various Departments

The Board to take a position on November 4th.

ARTICLE 6: Fiscal Year 2004

The Board to take a position on November 4th.

ARTICLE 7: Reduce Appropriation for Nashoba Valley Technical School FY04

It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support Article 7.

ARTICLE 8: Payment of Unpaid Bills for Prior Fiscal Years

It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to support Article 8.

ARTICLE 9: Reduce Amount Raised by Taxes in FY04

The Board to take a position on November 4th.

ARTICLE 10: Appropriation to Stabilization Fund 2004

The Board to take a position on November 4th.

ARTICLE 11: Community Preservation Funds Appropriation

Ingrid Nilsson, Chairman of the CPC, outlined the Committee's recommendation to Town Meeting. Liz Adams, Chairman of the Finance Committee, reported that the Committee voted to support Article 11. **It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support the recommendation of the Community Preservation Committee for expenditures and resource account amounts as outlined in their memo.**

ARTICLE 12: Appropriation from Water Department's Available Funds to Purchase Stepinski Land

Liz Adams, Chairman of the Finance Committee, reported that the Committee voted to support Article 17. **It was moved by Jefferies, seconded by Silva, and VOTED UNANIMOUSLY, to support Article 12.** Adams read a proposed Resolution prepared by the Finance Committee for town meeting to see if the Town will adopt an appropriations structure where each department budget is approved as a single line item for the next fiscal year. Jefferies was not in favor of the Resolution. Jefferies wanted Town Meeting to stay involved and was not in favor of a single lump sum to each department. Jefferies felt that the Resolution would result in a loss of control by Town Meeting. The Board to make a recommendation on the Resolution at the October 28th meeting.

ARTICLE 13: Land Gift on Acton Road

Peter Fletcher, Chairman of the Planning Board, reported that the Planning Board voted to recommend to the Selectmen support of Article 13. **It was moved by Jefferies,**

seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to support Article 13.

ARTICLE 14: Sale of Tax Title Adjacent to 6 Crescent Street

It was moved by Loiselle, seconded by Jefferies, and VOTED UNANIMOUSLY, to support Article 14.

ARTICLE 15: Utility Easement on Driveway at Highway Garage

It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to support Article 15.

ARTICLE 16: Misty Lane, Jennie Richards Road Drainage and Trail Easement

Ledoux referenced a memo from the Town Planner relative to the Planning Board's discussion of the trail easement at the October 20th meeting. Ledoux reported that the issue of the easements is in disorder. The Planning Board recommended to the Selectmen to withdraw Article 16 until the issues could be sorted out. Peter Fletcher, Chairman of the Planning Board, reported that the plan for the neighborhood was before the Planning Board in 1988. Fletcher also reported that the Planning Board suggested that he and the Town Planner meet with Jeff Brem of Meisner Brem Corporation to try to resolve the issues in time for Annual Town Meeting. **It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to withdraw Article 16.**

ARTICLE 17: Street Acceptance

Ledoux reported that the Selectmen will hold a public hearing on Tuesday, October 28, 2003 at 6:30 p.m. to layout the roads.

Licenses and Permits

Town Clerk Proposed Fee Schedule – Kaari Mai Tari, Town Clerk, was present seeking to increase some of the Town Clerk's fees. Tari read a list of proposed fee increases pursuant to the Town Clerk's Schedule of Fees Fall 2003.

Tari also referenced a market basket survey regarding the fees charged by surrounding communities. **It was moved by Jefferies, seconded by Loiselle for discussion, to approve the fee schedule set forth in the memo.** Loiselle questioned whether \$13.00 per hour would be sufficient for the genealogical search. Tari indicated that State law provides that research costs should be the base salary of the clerical staff.

VOTE ON JEFFERIES MOTION: UNANIMOUS.

Reappointment of Election Officers – **It was moved by Healy-Coffin, seconded by Jefferies, and VOTED UNANIMOUSLY, to reappoint the 61 Election Officers as provided on a list from the Town Clerk with 3 additional Election Officers as provided by the Town Clerk (total 64 Election Officers).**

One Day Beer & Wine License (wine only) – Middlesex County 4-H

Advisory Board - Event scheduled for Friday, November 21, 2003 at the First Parish Church, Main Street. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.**

Request to Hang Banner for Special Town Meeting – Request made by the Town Clerk for permission to hang a banner across Main Street from Tuesday, October 28, 2003 through November 4, 2003. **It was moved by Jefferies, seconded by**

Loiselle, and VOTED UNANIMOUSLY, to approve. Kari Mai Tari, Town Clerk, announced that the deadline for voter registration is Friday, October 24, 2003.

Reappointment of Fire Station Subcommittee – It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to reappoint the members of the Fire Station Subcommittee.

Commonwealth Ballet – Request to Hang Banner – Event Scheduled for December 5-7 at Westford Academy – Ledoux reported that the Board voted on September 9, 2003 to not allow the placement of the banner. The Board had indicated that banners are limited to non-profit groups in support of civic organizations. Ledoux received a call from the Director of the Commonwealth Ballet indicating that a number of Westford children are members of the ballet company. The Director reiterated the request to hang the banner. Jefferies stated that there are going to be many events at Westford Academy in the future. The Board was concerned with setting a precedent by approving this banner request. Silva pointed out that this request does not follow the Board's policy. No action was taken by the Board. Ledoux noted that Commonwealth Ballet will have a sandwich board on display.

Franklin Property

No report at this time.

Brookside Mill

No report at this time.

Minutes

It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the minutes of September 23, 2003, regular session, as amended.

It was moved by Jefferies, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the minutes of September 23, 2003, executive session, but NOT release to the public.

It was moved by Jefferies, seconded by Loiselle, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the minutes of September 30, 2003.

Board Reports/Updates

Comcast – Silva reported on a Cable Division meeting he attended with Dave Levy relative to a proposed increase in the tier rate for Comcast. Silva and Levy represented Westford at the meeting.

Northern Middlesex Council of Governments – Silva reported that he will be attending the 40th Anniversary Dinner for NMCOG on Wednesday, October 22, 2003.

Stepinski Land Acquisition Committee – Silva reported that the Committee is in the process of obtaining a new appraisal on the property relative to negotiations with the Stepinski family.

Rosegate Development 40B Project — Silva updated the Board on the recent Zoning Board of Appeals action regarding Rosegate Development. The parties came to a compromise and reduced the number of units from 12 to 10; the size of the building to remain the same; and the developer received two extra 3 bedroom units to keep his profits. The affordable units remain unchanged.

Committee for Efficient Town Government — Jefferies reported that the membership has dropped to five. Jefferies was concerned that the closing report may not be complete by May, 2004.

Ranchos De Amigos LIP Project — Silva reported that there was confusion with the Zoning Board members and the audience at the last Zoning Board of Appeals meeting regarding the LIP process and the Selectmen's authority. Norman Khumalo, Assistant Town Manager, addressed the concerns. Jefferies stated that the intersection of Nutting and Groton Roads needs to be addressed. Jefferies stated that a portion of the Ranchos land or an easement may be needed to fix the intersection. Richard Barrett, Highway Superintendent, stated that part of the MEPA process on Stony Brook addressed improvements to that intersection.

Affordable Housing Committee — Romeo announced that the next meeting will be held on Wednesday, October 29, 2003 at 7:30 a.m. Silva reported that, as a member of the Affordable Housing Committee along with Romeo, he is working on the Affordable Housing Plan and expressed the importance of getting input from the various departments. Silva reported that surveys have been sent out to many of the committees/boards/departments to get their input and that it was important that people respond to these surveys.

League of Women Voters — Romeo announced that the League will be hosting a Fall Kick-off Forum on Affordable Housing on Monday, October 27, 2003 at 7:30 p.m. — 9:00 p.m., J.V. Fletcher Library.

Old Business/New Business

Police Department Certification — Ledoux updated the Board on the Police Department's recent certification. Healy-Coffin requested an agenda item for the November 18th meeting with the Police Chief to discuss the use of the Police station meeting room. Healy-Coffin stated that she has been contacted by residents who wish to use the room. Jefferies asked that a report also be provided at that meeting regarding the School Resource Officer. Ledoux to coordinate with the Police Chief or the Deputy Chief.

Correspondence

Romeo read the list of correspondence.

10.10 Letter from Leighton & Jeanne Peebles, Nashoba Farms, 67 Concord Road, re: proposed sidewalk on Concord Road. Richard Barrett, Highway Superintendent, stated that issues need to be worked out. Barrett indicated that there is sufficient room in the right-of-way for a conventional sidewalk. Barrett stated that he is looking at a meandering sidewalk. Barrett stated that moving the sidewalk closer to the road would require review of the drainage system.

10.12 Letter from Rep. Geoff Hall re: inclusion of Opticom for design of traffic signals on Route 495 on/off ramps. Richard Barrett, Highway Superintendent, reported that the State has prepared a design with 2 lights and sidewalks from Blake's Hill Road. Barrett stated that the design is at 100% and ready for advertisement in March. Barrett asked the Board to send a letter to the State requesting the advertisement date be moved up for advertising during the winter months. **It was moved by Jefferies, seconded by Loiselle, and VOTED UNANIMOUSLY, to send a letter asking to move up the advertisement date.** Ledoux will work with Barrett to prepare the letter.

10.15 Letter of Thanks to Westford Fire Department from Concord Fire Department. Jefferies asked for a report regarding mutual aid at a future meeting. Ledoux to coordinate with the Fire Chief.

Open Items

- 10/21-1 Ledoux and Barrett to investigate fence on town-owned land along Beaver Brook Road.
- 10/21-2 Ledoux to schedule continued public hearing for October 28th meeting for Westford Auto Sales, Expansion of Class II license.
- 10/21-3 Board to take positions on Warrant Article at October 28th meeting.
- 10/21-4 Ledoux to invite Chief Welch (or Deputy Chief) to November 18th meeting for update on School Resource Officer and use of Police Station meeting room.
- 10/21-5 Ledoux to work with Barrett to prepare letter to State re: moving up advertisement date for lights at Route 495.
- 10/21-6 Ledoux to coordinate with Fire Chief re: discussion on mutual aid.

Adjournment

It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to adjourn the meeting at 10:55 p.m.

Steve Ledoux, Town Manager

Christopher Romeo, Chairman

Submitted by Beth Kinney, Recording Secretary